

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/26/09

ECF CASE

ORDERED that Defendants show cause before a motion term of this Court at the United States District Courthouse, 500 Pearl Street, New York, New York 10007, in Room

15 on 3:30 PM
 233, on the ~~28~~ day of April 2009, at ~~11:00~~ a.m., or as soon thereafter as
 counsel can be heard, why an order should not be entered pursuant to Rule 65 of the Federal
 Rules of Civil Procedure preliminarily enjoining Defendants, their officers, directors, agents,
 servants, employees, attorneys and all persons in active concert and participation with them,
 pending the trial and determination of this action and until further order of this Court, from, in
 any manner:

a. using, or authorizing any third party to use, FLC's FARBERWARE name,
 trademark, logo or other brand names (whether alone or as part of a compound trademark), on, or
 in connection with the manufacture, packaging, distribution, sale, offering for sale,
 advertisement, exhibition, and/or promotion of Prestige® branded products;

b. representing by any means whatsoever, directly or indirectly, that Prestige®
 branded products are made or sponsored by FARBERWARE or FLC or otherwise taking any
 action likely to cause confusion, mistake or deception on the part of purchasers as to the origin or
 sponsorship of Prestige®-branded products; and

c. doing any other acts or things calculated or likely to cause confusion or mistake in
 the mind of the public or to lead purchasers of any kind into the mistaken belief that any
 Prestige® branded products come from or are the products of FLC or FARBERWARE or are
 somehow sponsored by or affiliated with FLC or FARBERWARE, or otherwise unfairly
 competing with FLC or FARBERWARE or misappropriating that which rightfully belongs to

FLC;

Security in the amount of \$ 5000.00 will be posted by 4/15/09

IT IS FURTHER ORDERED that service of a copy of this Order, together with

a copy of the papers on which it is based, on Defendants or their counsel on or before

✓ April 6, 2009, at 5 a.m./p.m., shall be deemed good and sufficient service;

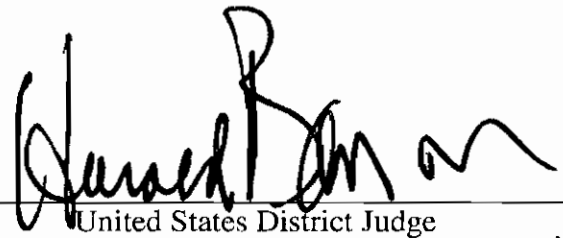
IT IS FURTHER ORDERED that Defendants are to serve opposing papers, if

✓ any, on Plaintiff's counsel on or before 4/13/09 at 5 a.m./p.m.; and

IT IS FURTHER ORDERED that Plaintiff is to serve reply papers, if any, on

✓ Defendants or their counsel on or before in Court on 4/15 at 3:30 PM, 2009, at a.m./p.m.

✓ Dated: New York, New York
March 26, 2009


United States District Judge